

REMARKS**I. Status of Claims**

Claims 1-6, 9-13, and 21 are pending, claims 1-3, 6, and 9 are amended. Claims 7-8 and 14-20 are canceled. Claims 1, 6, and newly added claim 21 are independent.

Claims 1, 5-6, 10, 12-13 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 5,330,500 to Song. Claims 4 and 11 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Song '500 in view of one having ordinary skill in the art. Claims 2, 3, and 9 also stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Song '500 in view of U.S. Patent No. 6,793,672 to Khosravi et al.

**II. Rejections under 35 U.S.C. 102 and 103**

Claims 1 and 6 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 5,330,500 to Song.

The undersigned submits that claim 1 is at least patentable over Song '500 and the cited references because it recites, "...a first metallic stent...a second metallic stent."

The undersigned submits that claim 6 is at least patentable over Song '500 because it recites, "...a first stent...a second stent...each of the stents having a therapeutic coating on it."

The undersigned submits that newly added claim 21 is at least patentable over Song '500 because it recites, "...a first self-expanding stent...a second self-expanding stent."

*a. Claims 1, 6, and 21: "first and second stents"*

Song '500 regards a self-expanding stent 1 having a mesh 91 made of nylon to prevent cancer cells from penetrating the stent. Song '500 does not disclose a second stent. The Song '500 reference describes the self-expanding stent 1 having a mesh 91 made of nylon as follows:

The frame 10 is wrapped in a mesh 91, and upper and lower hem of the mesh 91 are folded towards inside, and both hems become respectively adhesive whereby a wire of the unit structure 11 is not exposed. It is preferable that the mesh is made of nylon and the nylon mesh is coated with silicon rubber...Furthermore, the silicon rubber coating on the mesh 91 can prevent that cancer cell and the like penetrate into the inside of the stent. See 3:43-62.

Contrary to the statement in the Advisory Action, the Applicant respectfully submits that Song ‘500 does not teach a “second stent” or provide any suggestion or motivation for modifying the Song ‘500 stent 1 to include a “second stent.” Moreover, the mesh 91 of Song ‘500 is not recognized in the art as a stent or an obvious equivalent of a stent.

Stents are compressible to a first diameter for the insertion procedure, typically flexible to adapt to the curved passageways of the vessel lumen, and expandable to a second diameter to support the vascular wall by resisting radial compression. In contrast, a mesh 91 is generally regarded as a protective layer that can compress and contain stents, that can retain the ends of a stent on a catheter, and that may prevent fluids from accessing the stent. See USPAT 7,001,419:Background Section. The nylon mesh 91 of Song ‘500 would collapse if removed from the stent 1. Therefore, the mesh 91 simply cannot resist radial compression to support a vascular wall. Consequently, the mesh 91 is not configured to perform even the basic functions of stent.

The specification of Song ‘500 recognizes and explicitly discusses the different structural and functional characteristics which exist between a stent 1 and a mesh 91. For example, the specification of Song ‘500 discusses structure used to expand or support a vascular wall and maintain an open passageway. Then, separately, the specification discusses a nylon mesh 91 that protects the structure by preventing cancer cells and the like from penetrating into the inside of the stent. See 3:43-62.

Nowhere in Song ‘500 does it suggest that the mesh 91 is a stent. The Song ‘500 sheath compresses and contains the stent. See 4:5-9. The mesh 91 is configured to prevent cancer cells from accessing the stent 1. Moreover, in Song ‘500, there is no discussion or suggestion that the mesh 91 can be independently used as a scaffold to support a portion of the vascular wall. Accordingly, a stent and the mesh 91 of Song ‘500 are not art recognized or obvious equivalents, and it is improper to characterize the mesh 91 as a second stent.

For at least these reasons, claims 1, 6, and 21 and their dependent claims are patentable over Song ‘500.

b. *Claim 1: “second metallic stent”*

Although the Applicant maintains that the mesh 91 is not a second stent, claim 1 is amended to further recite that the first and second stents are metallic. Song ‘500 does not disclose a second metallic stent and any suggestion or motivation for modifying the Song ‘500 mesh 91 to be constructed of metal is absent from the cited references. Therefore, lacking any discussion and/or suggestion of a second metallic stent, Song ‘500 fails to disclose all of the limitations of claim 1.

For at least these reasons, claim 1 and its dependent claims are patentable over Song ‘500.

c. *Claim 6: “therapeutic coating”*

With regard to claim 6, the stent of Song ‘500 is not coated with a therapeutic coating. There is also no suggestion or motivation for modifying the Song ‘500 mesh 91 to include a therapeutic coating. The mesh 91 is coated with silicon rubber to prevent cancer cells from penetrating the inside of the stent and not for delivery of a therapeutic agent to the vascular wall. Claim 6 requires that the first or second stents have a therapeutic coating. Therefore, lacking any discussion and/or suggestion of the claimed stents having a therapeutic coating, Song ‘500 fails to disclose all of the limitations of claim 6.

For at least these reasons, claim 6 and its dependent claims are patentable over Song ‘500.

d. *Claim 21 “first and second self-expanding stents”*

Next, with respect to claim 21, the mesh 91 of Song ‘500 is not self-expanding. As noted above, if the mesh 91 were removed from the stent 1, the mesh 91 would collapse. At least this feature of claim 21 is not disclosed in Song ‘500. Therefore, lacking any discussion and/or suggestion of first and second self-expanding stents, Song ‘500 fails to disclose all of the limitations of claim 21.

Accordingly, the Applicant respectfully requests that claim 21 is allowable.

e.       *"Official notice"*

Claims 4 and 11 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Song '500 in view of one having ordinary skill in the art.

Regarding claims 4 and 11, there is no suggestion or motivation in the cited references to modify Song '500 to include first and second stents having similarly patterned structures as suggested by the Examiner. In fact, such a modification would render the mesh 91 inoperative for its intended purpose, i.e., covering the stent 1 to prevent cancer cells from penetrating the stent 1. It appears that Official Notice is being utilized to support the rejections of claims 4 and 11. Applicant respectfully traverses the Official Notice taken and requests evidence to substantiate the alleged motivations to modify Song '500. Specifically, Applicant respectfully requests evidence to substantiate the theory that it would have been obvious to the ordinary artisan to have modified a mesh 91 to have a similar patterned structure as a first stent. Such support is required under MPEP 2144.02 and 2144.03. Neither Song '500 nor the cited references discloses such a stent assembly, and these unsupported allegations cannot be used to reject the claims.

For at least these reasons, claims 4 and 11 are patentable over Song '500.

**III. Conclusion**

In view of the above amendments and remarks, it is believed that the above-identified application is in condition for allowance, and notice to that effect is respectfully requested.

Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

The Commissioner is authorized to charge any fees or credit any overpayments which may be incurred in connection with this paper under 37 C.F.R. §§ 1.16 or 1.17 to Deposit Account No. 11-0600.

Respectfully submitted,

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